

**MINUTES OF THE BOARD
OF
AUDIOLOGY AND SPEECH LANGUAGE PATHOLOGY**

October 4, 2005

CALL TO ORDER

Jody Spalding, Chairperson, called the meeting of the Board of Audiology and Speech Language Pathology to order at 4:45 p.m., Tuesday, October 4, 2005, in conference room 5-B, Nebraska State Office Building, Lincoln, Nebraska. The meeting was duly publicized by distribution of the notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Health and Human Services at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board Members, Credentialing Division Staff and visitor were present at the meeting:

Jody Spalding, Chairperson
Jane Stokebrand, Vice-Chair
Kenya Taylor, Professional Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator
Pam List, Board of Health

Absent: Kathy Olberding

Adoption of the Agenda

Stokebrand moved, seconded by Taylor, to adopt the agenda. Voting aye: Spalding, Taylor and Stokebrand. Voting nay: None. Absent and not voting: Olberding. Motion carried.

Approval of Minutes

Taylor moved, seconded by Stokebrand, to approve the board minutes for July 6, August 4 and August 30, 2005 board meeting and conference calls. Voting aye: Taylor, Stokebrand and Spalding. Voting nay: None. Absent and not voting: Olberding. Motion carried.

**ADMINISTRATIVE PENALTIES &
LICENSURE APPLICATION (Closed Session)**

Stokebrand moved, seconded by Taylor, to go into closed session at 4:50 p.m. for the purpose of discussing administrative penalties and licensure application and to protect the reputation of individuals. Voting aye: Stokebrand, Spalding and Taylor. Voting nay: None. Absent and not voting: Olberding. Motion carried.

Out of Closed Session

Taylor moved, seconded by Stokebrand, to come out of closed session at 5:05 p.m. Voting aye: Spalding, Taylor, and Stokebrand. Voting nay: None. Absent and not voting: Olberding. Motion carried.

Licensure Approval

Stokebrand moved, seconded by Taylor, to approve an audiology license for Krissa Reiser. Voting aye: Taylor and Stokebrand. Voting nay: None. Abstaining: Spalding. Absent and not voting: Olberding. Motion carried.

PROPOSED CONTINUING EDUCATION REGULATIONS (Attachment A)

Hansmeyer sent letters to licensed audiologists and speech language pathologists inviting them to review and submit comments on the proposed revisions. She received one comment, which was from Andrea Jarvynk, a speech language pathologist from Omaha, Nebraska. Ms. Jarvynk thanked the Board and Department for giving her the opportunity to provide input and she supported all of the proposed changes to the regulations.

Spalding reviewed several comments she received at the Nebraska Speech-Language Hearing Association meeting. She referenced page 19 of the proposed regulation, section 23-009.01B (7), which reads that one credit will be awarded to each hour of scientific presentation by a licensee acting as an essayist or lecturer to licensed audiologists and speech-language pathologists if the program relates to the theory or clinical application of theory pertaining to audiology and speech-language pathology.

One individual asked if he held a program and it was opened to audiologist and speech language pathologists and other health care professionals and only medical doctors attended. Would he get credit for presenting the program? Hansmeyer stated that he would have to present documentation that the program was offered to audiologist and speech language pathology and if they chose not to attend he would get credit for presenting the program, however the program has to relate to the theory or clinical application of theory pertaining to audiology and speech-language pathology.

Documentation would have to include a copy of the brochure that would outline who the program was presented to as well as the objectives. Hansmeyer stated that the regulations could be written in such a way as to open the programs up to other health care professions as well as audiologists and speech-language pathologists.

Spalding's next question was about continuing education credit for poster sessions. Spalding stated that this issue was brought up at the association meeting and they felt that if the sessions were offered for an hour than the attendees would receive credit for an hour. Several sessions would be presented during the hour.

Hansmeyer asked questions about how presenters would document attendance at the poster sessions and was told that a punch card is used by ASHA, which is punched when the person enters and exits the sessions. If the person attends for 15 minutes, then the punch card would reflect this.

Spalding received comments from Dr. Neuell Decker regarding ethics being placed in the second category rather than the first. She responded that ethic courses are included in the CE regulations for the first time and category one directly relates to the theory and practice of care.

The board agreed that ethics also relates to the practice of audiology and speech-language pathology, but it belongs in category two.

Approval of Proposed Continuing Education Regulations

Spalding moved, seconded by Taylor, to adopt the continuing education regulations with the following changes and prepare the regulations for the public hearing:

Add the following language to section 23-009.01B

- (1) American Academy of Audiology. A licensee's documentation must include the certificate of attendance, listing of individual presentations attended and program outline and/or objectives.
- (2) Poster sessions at State and National meetings which relate to the theory or clinical application of theory pertaining to the practice of audiology or speech-language pathology. A licensee's documentation must include the certificate of attendance, listing of individual poster sessions attended and program outline and/or objectives.
- (8) or other credentialed health care professionals

Voting aye: Stokebrand, Taylor and Spalding. Voting nay: None. Absent and not voting: Olberding. Motion carried.

SCOPE OF PRACTICE ISSUES (Attachment B)

Can Audiologist Perform Cerumen Removal?

Trish Morrow wants to know if cerumen removal falls within the scope of practice of audiology. After a discussion Taylor moved, seconded by Stokebrand, that in the Board's opinion cerumen management is within the scope of practice of audiology and falls under NEB Rev. Statute §71-1,186 (2), which reads; "that the practice of audiology shall mean the application of principles, methods, and procedures for testing, measuring, and monitoring hearing, preparation of ear impressions and selection of hearing aids, aural rehabilitation, hearing conservation, vestibular testing of patients...." Because of the testing procedure the audiologist can not take an ear impression or insert earphones unless the ear canal is clean. An audiologist should be competent by education and training to perform cerumen removal. Voting aye: Taylor, Spalding and Stokebrand. Voting nay: None. Absent and not voting: Olberding. Motion carried.

PROPOSED SPEECH-LANGUAGE PATHOLOGY CHANGES (Attachments C & C-1)

Spalding reminded everyone that the Nebraska Speech-Language Hearing Association is working on a scope of practice document that will cover both audiology and speech language pathology. It basically recommends statutory changes. Steve Snidow wrote a letter explaining the changes for speech language pathology licensure and stated that the audiology changes would be made later. He encourages licensees to review and make comments on the document. He also made proposed revisions to the communication assistant sections of the statutes. She stated that some language regarding diagnoses and treatment was added to the revisions and she suggested that this language might be problematic.

She is seeking the assistance of Hansmeyer for administrative purposes.

Pam List left the meeting at 6:05 p.m.

ULL REWRITE (Attachment D)

Hansmeyer discussed the proposed changes to the Uniform Licensing Law rewrite, (Referred to as REQ 0138) and the summary of changes. She stated that the summary information does not contain all of the changes to the proposed bill. The summary is designed to give the Board major changes to review and to give feedback before REQ 0138 is finalized.

The following changes will take place in the Uniform Licensing Law rewrite;

The name of this document will be changed to the Uniform Credentialing Act because certification and registration are covered as well. The definitions for these three forms of credentials are found on pages 7, 9 and 10 of REQ 0138.

Page 3 lists all of the practice acts that are covered in the REQ 0138. What that means is that these are the acts within this act.

Hansmeyer reviewed the following changes, which are found on the summary sheets that provide information of why the changes are necessary and where they can be found in the REQ 0138 document:

Initial License - Gives the boards more authority, it changes the current wording: "Board approves or the board adopts the regulations." The board will approve requirements for licensure such as; the education the person has to have, what examination they have to pass, if they have to have experience and if so what type of experience, the passing score they have to meet in order to pass the examination, and approval of schools/training. The current language states that the Department with the approval or the recommendation of the board. What is meant by current language is that the Department and the board would have to agree and if they did not the change would not take place.

Section 55 page 61 gives a definition of the purpose of each board.

Section 68, page 77 gives information on the Department's role of being responsible for the general administration of the activities of each of the boards.

Section 45, page 46 identifies that the cost of operation of the board should be paid from the Professional and Occupational Credentialing Cash Fund and General Fund. The statement on General Fund is for Emergency Medical Services because they do not pay fees because they are volunteers.

Section 45 page 46 - The reinstatement language is crosshatched. It was changed, but the boards like the current language. Therefore, the original language will remain in this section.

Renewal: Biennial renewal is not a change and it appears on the summary because all of the practice acts have been added to the UCA for consistency purpose.

The 2nd part is that licenses will no longer be revoked for non-payment of fees, they will just expire. Licensees did not like the term revocation because it will be on their record permanently and appears that the license was revoked for disciplinary reasons.

Hansmeyer stated that research was done to find out what other states are doing and they found out that other states were not revoking licenses for this reason.

The 30-day grace period will be eliminated because it confuses licensees. It makes them think that they can continue to practice until the grace period is over. When the truth is that the only thing that the grace period allowed is for licensees to pay the licensure fees. Reinstatement does the same thing.

Eliminated the inactive fee, but not inactive status. Individuals can choose inactive status at the time of renewal and not have to pay a fee. The reason for this change is that the fee wasn't necessary because there is no extra work involved in this process and it is the belief that fees should be paid to support cost and if there is no cost, then there should not be a fee charged.

Reinstatement will not change, except for people who were disciplined. If their license was revoked for disciplinary reasons they could reapply for reinstatement after two years.

Endorsement and Reciprocity: Reciprocity in Nebraska does not mean true reciprocity. The word reciprocity means that if a person has a license in one state they can get a license in another state based upon that license. The term, which will appear in REQ is endorsement. It also eliminated the requirement to have practiced at least one year out of the last three.

Hansmeyer gave the Board new language to review for possible addition to the Audiology & Speech-Language Pathology Practice Act. She stated that this language would eliminate a loophole, which she feels is currently in the practice act (Attachment B). C (1) is when a person gets their initial license and number 2, is when they are licensed in another state.

She gave an example of a person who passed the examination and finished their educational requirements. This person met the requirements for licensure, but they had not practiced in Nebraska for some reason and now they want to get a license. As the language is currently written, the State of Nebraska would have to give them a license.

The new language would give the Board the right to consider competency and if the Board feels that someone who hasn't practice for five years isn't competent, then this Would allow the Board to write regulations, which would include competency requirements.

Number 2 is written for a person coming from another state/jurisdiction and also requires that continuing competency is met after a 3 years period of licensure inactivity.

Hansmeyer reviewed information on the Board's Role, which gives the board the authority to adopt regulations without the Department's approval for initial licensure standards, renewal standards, passing score, course of study, defining unprofessional conduct and sending applications for reinstatement

Number 2 under Board Role can be found in Section 31 on page 23 and this is where the board recommends to the Department on licensure and other administrative

areas, the security of the examination, issuance and denial of licensure, and administration of the examination.

Board Expenses: the new requirements will provide a per diem to board members for up to \$50.00 per day and the Board can also give a per diem to people serving on advisory committees.

Board Composition: The ULL rewrite requires an additional public member for boards with less than eleven members.

Hansmeyer explained the changes to the Audiology and Speech Language Pathology Practice Act, which are found on the summary.

Hansmeyer stated that the Department wants to ask each board how they feel about the changes and if they could support the proposed changes in ULL as well as in the practice act. If not, the Department would like to address concerns before this bill is taken to the legislature.

Stokebrand moved, seconded by Taylor, to approve the proposed changes to the Uniform Licensing Law and the Audiology and Speech-Language Pathology Statutes as well as adding the following statement: In addition to the requirements of Section 37, an applicant for licensure by endorsement must meet the continuing competency requirements in effect at the time the application is received. Voting aye: Spalding, Stokebrand and Taylor. Voting nay: None. Absent and not voting: Olberding. Motion carried.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Mission and Objectives of the Credentialing Division (Attachment E)

Hansmeyer updated the Board on the missions and objectives of the Credentialing Division. She discussed the outcomes and measures for consumers, licensees, licensing boards, contractors, private or governmental agencies, provider associations, and federations and councils.

Hansmeyer stated that a survey is being developed and would be sent to the Board. The focus of the survey is; "Does the Credentialing Division provide you with the tools necessary to do your job as a board member?"

Lap Report (Attachment F)

Hansmeyer gave the Board a first quarter LAP report, which includes statistical information from the period of July 1, through September 30, 2005. This report was given for informational purposes only.

Board of Health Web-Site

Hansmeyer gave the Board information on how to access the Board of Health's web-site in order to read about the projects and activities as well as the meeting minutes.

Reaffirmation of Mail Ballots (Attachment G)

Spalding moved, seconded by Taylor to reaffirm the mail ballot votes for Alicia M. Ingersoll, Theresa J. Howatt, and Thomas M. Roark speech-language pathology licensure. Voting aye: Taylor, Spalding and Stokebrand. Voting nay: None. Absent and not voting: Olberding. Motion carried.

MISCELLANEOUS

Next Board Meeting : December 7, 2005, 4:30 p.m.

There is a possibility that the December date of the next board meeting might be changed. If it is, the board meeting would be held before the Board of Health Meeting on January 23, 2006.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Kathy Olberding, Secretary